

EXHIBIT 1-M

In the Matter Of:

US DOMINION vs

SIDNEY POWELL

ERIC COOMER, PH.D.

August 26, 2024



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., et al.,)
 Plaintiffs,)
 v.) Civil Action No.
) 1:21-cv-00040 (CJN)
 SIDNEY POWELL, et al.,)
 Defendants.)

US DOMINION, INC., et al.,)
 Plaintiffs/Counter-Defendants,)
 v.)
 MY PILLOW, INC., et al.,)
 Defendants/Counter-Plaintiffs,) Civil Action No.
 and Third-Party Plaintiffs,) 1:21-cv-00040 (CJN)
 v.)
 SMARTMATIC USA CORP., et al.,)
 Third-Party Defendants.)

US DOMINION, INC., et al.,)
 Plaintiffs,)
 v.) Civil Action No.
) 1:21-cv-02131 (CJN)
 PATRICK BYRNE,
 Defendant.)

1 US DOMINION, INC., et al.,)
2 Plaintiffs,)
3 v.) Civil Action No.
4 HERRING NETWORKS, INC., et al.,) 1:21-cv-02130(CJN)
5 Defendants.)
6)

7
8 Videotaped Deposition of ERIC COOMER, Ph.D.

9 Denver, Colorado

10 Monday, August 26, 2024

11 9:06 a.m.
12
13
14
15
16
17
18
19
20
21

22 Job No.: 2024-953370

23 Pages: 1 - 407

24 Reported By: Lisa A. Knight

25 Notary Public, RDR, CRR, CLR, RSA

3

1 The videotaped deposition of ERIC COOMER, Ph.D.,
2 was held at:

3

4 The Westin - Denver International Airport

5 8300 Pena Boulevard

6 Ash Conference Room

7 Denver, Colorado 80249

8

9 Pursuant to Notice and Subpoena, before Lisa A.
10 Knight, Realtime Diplomat Reporter, Certified Realtime
11 Reporter, Realtime Systems Administrator, and Notary
12 Public in and for the State of Colorado.

13

14

15

16

17

18

19

20

21

22

23

24

25

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

EDGAR SARGENT, ESQUIRE

ehadaway@susmangodfrey.com

SUSMAN GODFREY L.L.P.

401 Union Street

Suite 3000

Seattle, Washington 98101

206.516.3880

ON BEHALF OF DEFENDANT HERRING NETWORKS, INC.:

CHARLES L. BABCOCK, ESQUIRE

cbabcock@jw.com

GABRIELA BARAKE, ESQUIRE

gbarake@jw.com

JACKSON WALKER LLP

1401 McKinney Street

Suite 1900

Houston, Texas 77010

713.752.4200

A P P E A R A N C E S

ON BEHALF OF DEFENDANT NEWSMAX:

SUSMITA GADRE, ESQUIRE (via Zoom)

sgadre@toddweld.com

TODD & WELD LLP

One Federal Street

Boston, Massachusetts 02110

617.720.2626

ON BEHALF OF DEFENDANTS SIDNEY POWELL AND

SIDNEY POWELL, P.C.:

MARC S. CASARINO, ESQUIRE (via Zoom)

marc.casarino@kennedyslaw.com

KENNEDYS CMK LLP

222 Delaware Avenue

Suite 710

Wilmington, Delaware 19801

302.308.6645

-and-

JOSHUA A. MOONEY, ESQUIRE (via Zoom)

joshua.mooney@kennedyslaw.com

1600 Market Street

Suite 1410

Philadelphia, Pennsylvania 19103

267.479.6700

A P P E A R A N C E S

ON BEHALF OF DEFENDANT CHRISTINA BOBB:

WILLIAM C. HAGGERTY, ESQUIRE (via Zoom)

bill@fwhb.com

FORD, WALKER, HAGGERTY & BEHAR, LLP

One World Trade Center

27th Floor

Long Beach, California 90831

562.983.2500

ON BEHALF OF DEFENDANT DEFENDING THE REPUBLIC:

DAVID C. TOBIN, ESQUIRE (via Zoom)

dctobin@tobinoconnor.com

TOBIN O'CONNOR CONCINO, P.C.

5335 Wisconsin Avenue NW

Suite 400

Washington, District of Columbia 20015

202.362.5900

A P P E A R A N C E S

ON BEHALF OF DEFENDANT MY PILLOW, INC., et al.:

CHRISTOPHER J. KACHOUROFF, ESQUIRE (via Zoom)

chris@mck-lawyers.com

McSWEENEY, CYNKAR & KACHOUROFF, PLLC

13649 Office Place

Suite 101

Woodbridge, Virginia 22191

703.621.3300

ON BEHALF OF THE DEPONENT:

CHARLES CAIN, ESQUIRE

ccain@cstrial.com

CAIN & SKARNULIS

303 Colorado Street

Suite 2850

Austin, Texas 78707

512.477.5000

ALSO PRESENT:

CAYLOB SUAREZ, Lexitas Technician (via Zoom)

DAVIS BAUMUNK, Videographer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X		
ERIC COOMER, Ph.D.		
AUGUST 26, 2024		
PROCEEDINGS		15
EXAMINATION OF ERIC COOMER, Ph.D.:		
BY MR. BABCOCK		18
BY MR. CASARINO		292
BY MR. KACHOUROFF		314
BY MR. TOBIN		336
BY MR. SARGENT		377
BY MR. BABCOCK		397
DEPOSITION SUPPORT INDEX		14
STENOGRAPHER'S CERTIFICATE		404
DECLARATION OF DEPONENT		405
ERRATA SHEET		406

1 They did not follow the process
2 that is necessary, no matter what, when you
3 have that case.

4 Q. Okay. And the problem in
5 Antrim County, as I understand it -- layman's
6 understanding -- was that it was discovered
7 fairly early on, like maybe even election
8 day, that 6,000 votes had been switched from
9 Trump to Biden. Is that fair to say?

10 A. I don't think that's quite fair
11 to say.

12 The votes themselves were not
13 switched. So at the tabulator -- if you go
14 to the tabulator where the ballots were
15 counted and you look at the tape that comes
16 out -- it's got a little review tape -- those
17 totals were dead on.

18 Q. Right.

19 A. Okay. When they were
20 accumulated into the results reporting
21 system, which, by law, on election night, is
22 unofficial results, yes, the missed
23 configuration between the two systems caused
24 a shift in the votes.

25 Q. Right. And it was about 6,000;

1 right?

2 A. That sounds about right, but I
3 can't recall exactly.

4 Q. Okay. And it provoked this
5 e-mail string here, culminating with your
6 quoting Halderman's statement below calling
7 this human error, which you don't agree with.

8 And then you say -- and you
9 could say it or I could say, but "Fuck
10 Halderman."

11 A. Again, can I clarify?

12 I think you just said that I am
13 not saying it's human error. I'm saying it
14 is human error.

15 Q. Yeah. Yeah. Yeah. That's
16 what I meant.

17 A. Yeah. He's saying that it's
18 not -- or he's trying to recharacterize it as
19 something. How could it be human error if,
20 you know, the system didn't prevent them from
21 doing it?

22 And I have an anecdote here of
23 saying that if I hit a tree driving my car,
24 that's not human error. My car should have
25 swerved.

1 Q. Right.

2 A. Paraphrased.

3 Q. Right. But in any event, you
4 were -- sounds like you were powerfully mad
5 at Halderman.

6 A. Upset.

7 Q. Okay.

8 A. And, again, I have many
9 disagreements with Dr. Halderman. They can
10 certainly get heated with emotion.

11 I've never been mad at the guy.
12 I've just -- find that his statements like
13 this, that it's not human error, are not --
14 they're not helpful, where a lot of his
15 analysis up to that point was very helpful.

16 Q. Well, you started out by saying
17 "F" Halderman. And then you end your e-mail
18 to Mr. Poulos, the head of your company, by
19 saying, you know, f-u-c-k that guy. Right?

20 A. Yeah.

21 Q. And isn't it true that you also
22 were, at other points in time, very upset
23 with Professor Halderman?

24 A. As I said, there have been
25 various other times where I have vehemently

1 disagreed with some of Professor Halderman's
2 conclusions about various technical issues.

3 Q. Didn't you call him a piece of
4 shit?

5 A. Probably.

6 Q. In writing?

7 A. There's a high likelihood.

8 Q. Let me show you Exhibit 1999.

9 (Exhibit DOM-OAN 1999, E-mail,
10 Bates DOM_DC04245097, was marked for
11 identification.)

12 Q. We're going to party on this
13 one.

14 You said, "That piece of shit
15 Halderman just compared our de minimus change
16 to the effing 737 MAX MCAS."

17 A. Yeah.

18 Q. That's your e-mail; right?

19 A. That's my e-mail. And I stand
20 behind that statement.

21 Q. Okay.

22 A. Yeah. A one-line code change
23 compared to, you know, a million-line package
24 including, you know, engines and hydraulics,
25 and saying that they're equivalent, which is

1 down here at the bottom regarding Antrim
2 County.

3 A. Freedom to Tinker.

4 Q. Yeah. Good memory.

5 And what about Blaze. Who is
6 Blaze?

7 A. I can't remember, is it Matt
8 Blaze? He, I believe, was part of the group
9 that ran the Voting Village at DEF CON, being
10 the yearly -- what they call a hacker's
11 convention.

12 And I believe it's Blaze,
13 Hursti, and then there was another guy who I
14 can't remember. Those three sort of ran the
15 Village for investigating voting machines.

16 Q. Okay. So at least in the
17 2020-2021 time period, you thought that
18 Halderman was a piece of shit, pond scum, a
19 liar, and maybe some other things. And you
20 were not happy with him.

21 Would that be fair to say?

22 A. I would say that at specific
23 times under specific circumstances, I have
24 referred to him as such.

25 Q. Okay. That's fair enough.

1 MR. BABCOCK: We're good to
2 take a break in two seconds. One more
3 question.

4 BY MR. BABCOCK:

5 Q. You've got some litigation
6 going on, I know, and I don't want to talk
7 about that. But I do -- I've been told, and
8 I think it's true, you've listed certain
9 experts that are going to testify in your
10 behalf. Right?

11 A. Yes.

12 Q. And Professor Halderman is one
13 of them; right?

14 A. Yes, he is.

15 Q. Okay. Thank you.

16 MR. BABCOCK: We'll take a
17 break.

18 THE VIDEOGRAPHER: Going off
19 the record at 10:28. This marks the
20 end of Media 1.

21 (Recess taken.)

22 THE VIDEOGRAPHER: This marks
23 the start of Media 2 of the video
24 deposition of Eric Coomer. We're back
25 on the record. The time is 10:42.